



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4674

by Rep. Mark Batinick

SYNOPSIS AS INTRODUCED:

5 ILCS 315/6
115 ILCS 5/8.5 new

from Ch. 48, par. 1606

Amends the Illinois Public Labor Relations Act. Provides that a public employer is prohibited from providing the exclusive bargaining representative the social security numbers of public employees in the bargaining unit and the exclusive bargaining representative is prohibited from requesting the social security numbers of public employees in the bargaining unit. Amends the Illinois Educational Labor Relations Act to make similar changes. Effective immediately.

LRB099 15767 MLM 40071 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 6 as follows:

6 (5 ILCS 315/6) (from Ch. 48, par. 1606)

7 Sec. 6. Right to organize and bargain collectively;
8 exclusive representation; and fair share arrangements.

9 (a) Employees of the State and any political subdivision of
10 the State, excluding employees of the General Assembly of the
11 State of Illinois and employees excluded from the definition of
12 "public employee" under subsection (n) of Section 3 of this
13 Act, have, and are protected in the exercise of, the right of
14 self-organization, and may form, join or assist any labor
15 organization, to bargain collectively through representatives
16 of their own choosing on questions of wages, hours and other
17 conditions of employment, not excluded by Section 4 of this
18 Act, and to engage in other concerted activities not otherwise
19 prohibited by law for the purposes of collective bargaining or
20 other mutual aid or protection, free from interference,
21 restraint or coercion. Employees also have, and are protected
22 in the exercise of, the right to refrain from participating in
23 any such concerted activities. Employees may be required,

1 pursuant to the terms of a lawful fair share agreement, to pay
2 a fee which shall be their proportionate share of the costs of
3 the collective bargaining process, contract administration and
4 pursuing matters affecting wages, hours and other conditions of
5 employment as defined in Section 3(g).

6 (b) Nothing in this Act prevents an employee from
7 presenting a grievance to the employer and having the grievance
8 heard and settled without the intervention of an employee
9 organization; provided that the exclusive bargaining
10 representative is afforded the opportunity to be present at
11 such conference and that any settlement made shall not be
12 inconsistent with the terms of any agreement in effect between
13 the employer and the exclusive bargaining representative.

14 (c) A labor organization designated by the Board as the
15 representative of the majority of public employees in an
16 appropriate unit in accordance with the procedures herein or
17 recognized by a public employer as the representative of the
18 majority of public employees in an appropriate unit is the
19 exclusive representative for the employees of such unit for the
20 purpose of collective bargaining with respect to rates of pay,
21 wages, hours and other conditions of employment not excluded by
22 Section 4 of this Act. A public employer is required upon
23 request to furnish the exclusive bargaining representative
24 with a complete list of the names and addresses of the public
25 employees in the bargaining unit, provided that a public
26 employer shall not be required to furnish such a list more than

1 once per payroll period. The exclusive bargaining
2 representative shall use the list exclusively for bargaining
3 representation purposes and shall not disclose any information
4 contained in the list for any other purpose. A public employer
5 is prohibited from providing the exclusive bargaining
6 representative the social security numbers of public employees
7 in the bargaining unit and the exclusive bargaining
8 representative is prohibited from requesting the social
9 security numbers of public employees in the bargaining unit.

10 Nothing in this Section, however, shall prohibit a bargaining
11 representative from disseminating a list of its union members.

12 (d) Labor organizations recognized by a public employer as
13 the exclusive representative or so designated in accordance
14 with the provisions of this Act are responsible for
15 representing the interests of all public employees in the unit.
16 Nothing herein shall be construed to limit an exclusive
17 representative's right to exercise its discretion to refuse to
18 process grievances of employees that are unmeritorious.

19 (e) When a collective bargaining agreement is entered into
20 with an exclusive representative, it may include in the
21 agreement a provision requiring employees covered by the
22 agreement who are not members of the organization to pay their
23 proportionate share of the costs of the collective bargaining
24 process, contract administration and pursuing matters
25 affecting wages, hours and conditions of employment, as defined
26 in Section 3 (g), but not to exceed the amount of dues

1 uniformly required of members. The organization shall certify
2 to the employer the amount constituting each nonmember
3 employee's proportionate share which shall not exceed dues
4 uniformly required of members. In such case, the proportionate
5 share payment in this Section shall be deducted by the employer
6 from the earnings of the nonmember employees and paid to the
7 employee organization.

8 (f) Only the exclusive representative may negotiate
9 provisions in a collective bargaining agreement providing for
10 the payroll deduction of labor organization dues, fair share
11 payment, initiation fees and assessments. Except as provided in
12 subsection (e) of this Section, any such deductions shall only
13 be made upon an employee's written authorization, and continued
14 until revoked in writing in the same manner or until the
15 termination date of an applicable collective bargaining
16 agreement. Such payments shall be paid to the exclusive
17 representative.

18 Where a collective bargaining agreement is terminated, or
19 continues in effect beyond its scheduled expiration date
20 pending the negotiation of a successor agreement or the
21 resolution of an impasse under Section 14, the employer shall
22 continue to honor and abide by any dues deduction or fair share
23 clause contained therein until a new agreement is reached
24 including dues deduction or a fair share clause. For the
25 benefit of any successor exclusive representative certified
26 under this Act, this provision shall be applicable, provided

1 the successor exclusive representative:

2 (i) certifies to the employer the amount constituting
3 each non-member's proportionate share under subsection
4 (e); or

5 (ii) presents the employer with employee written
6 authorizations for the deduction of dues, assessments, and
7 fees under this subsection.

8 Failure to so honor and abide by dues deduction or fair
9 share clauses for the benefit of any exclusive representative,
10 including a successor, shall be a violation of the duty to
11 bargain and an unfair labor practice.

12 (g) Agreements containing a fair share agreement must
13 safeguard the right of nonassociation of employees based upon
14 bona fide religious tenets or teachings of a church or
15 religious body of which such employees are members. Such
16 employees may be required to pay an amount equal to their fair
17 share, determined under a lawful fair share agreement, to a
18 nonreligious charitable organization mutually agreed upon by
19 the employees affected and the exclusive bargaining
20 representative to which such employees would otherwise pay such
21 service fee. If the affected employees and the bargaining
22 representative are unable to reach an agreement on the matter,
23 the Board may establish an approved list of charitable
24 organizations to which such payments may be made.

25 (Source: P.A. 97-1172, eff. 4-5-13.)

1 Section 10. The Illinois Educational Labor Relations Act is
2 amended by adding Section 8.5 as follows:

3 (115 ILCS 5/8.5 new)

4 Sec. 8.5. Nondisclosure of social security numbers. An
5 employer is prohibited from providing the exclusive bargaining
6 representative the social security numbers of employees in the
7 bargaining unit and the exclusive bargaining representative is
8 prohibited from requesting the social security numbers of
9 employees in the bargaining unit.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.